<center>**REMARKS/ARGUMENTS**</center>

Claims 1-22 are pending in the application. Claims 1, 6, 12, and 20-22 are amended herein. The Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and these remarks.

Indefiniteness Rejections

On page 2, the Examiner rejected claims 6 and 7 under 35 U.S.C. §112, second paragraph, "as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention." The Examiner states that claim 6 is confusing because this claim "does not state how firewall filtering rules related to packet transmission, how this will cause a race condition." In response, claim 6 is amended herein to recite that "the step of suspending transmission of packets to the non-migrator at the transport layer comprises preventing or resolving a race condition by applying one or more firewall-filtering rules to prevent session data from leaving the system until the migration process is complete." Support for this amendment is found in the specification, e.g., at page 10, lines 10-24. It is believed that this amendment overcomes the indefiniteness rejection as to claim 6, as well as to claim 7, which was rejected as indefinite because of its dependency from claim 6. The Applicant submits therefore that the rejections of claims under §112, second paragraph, have been overcome.

None of the amendments to claim 6 were made to overcome any prior art rejections.

Art Rejections

On pages 3-15, the Examiner rejected claims 1-6 and 8-22 under 35 U.S.C. §102(b) as being anticipated by Funato et al., "TCP-R: TCP Mobility Support for Continuous Operation," *Network Protocols*, 1997 ("Funato"). On page 16, the Examiner rejected claim 7 under 35 U.S.C. §103(a) as being obvious over Funato in view of U.S. Patent App. No. 2004/0202160 ("Westphal").

For the following reasons, the Applicant submits that all of the now-pending claims are allowable over the cited references.

Claim 1, as amended herein, recites, *inter alia*, "(c) informing the non-migrator, via a channel separate from the channel of the session between the migrator and the non-migrator, of the change to the new migrator endpoint address." Support for this amendment is provided in the specification, e.g., at p. 8, lines 21-23; p. 9, lines 3-10; p. 10, line 30, to p. 11, line 2; p. 11, lines 9-11, 19-24, and 26-28; and p. 12, lines 6-11.

Funato discloses a scheme for Transport-Control Protocol Redirection ("TCP-R") whereby the internal workings of the conventional TCP protocol are modified to include new finite states and new messages that handle redirection. (Abst.; p. 232-233 at section 4.) Accordingly, during redirection, such modified messages are exchanged within the TCP session between nodes that have been modified to recognize and comply with the new messages and finite states. (*Id.*) The TCP-R scheme does not involve informing a non-migrator, via a channel separate from the channel of the session between the migrator and the non-migrator, of a change to the new migrator endpoint address. In particular, this is the case because all redirection functionality in TCP-R is handled within the TCP session using the new TCP states and messages. Accordingly, there is no need for a channel separate from the channel of the session between the migrator and the non-migrator. Since Funato fails to teach, disclose, or even suggest a step of "(c) informing the non-migrator, via a channel separate from the channel of the session between the

migrator and the non-migrator, of the change to the new migrator endpoint address," Funato cannot anticipate claim 1, as amended.

For all these reasons, the Applicant submits that claim 1 is allowable over Funato. For similar reasons, the Applicant submits that claims 12 and 20-22 are allowable over Funato. Since the rest of the claims depend variously from claims 1 and 12, it is further submitted that those claims are also allowable over the cited references. The Applicant submits therefore that the rejections of claims under §§102(b) and 103(a) have been overcome.

In view of the above amendments and remarks, the Applicant believes that the now-pending claims are in condition for allowance. Therefore, the Applicant believes that the entire application is now in condition for allowance, and early and favorable action is respectfully solicited.

<u>Fees</u>

During the pendency of this application, the Commissioner for Patents is hereby authorized to charge payment of any filing fees for presentation of extra claims under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17 or credit any overpayment to Mendelsohn & Associates, P.C. Deposit Account No. 50-0782.

The Commissioner for Patents is hereby authorized to treat any concurrent or future reply, requiring a petition for extension of time under 37 CFR § 1.136 for its timely submission, as incorporating a petition for extension of time for the appropriate length of time if not submitted with the reply.

Respectfully submitted,

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